

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2011 Legislative Session**

**Legislative Day No. 9**

7/28/2011

**HOWARD COUNTY TO WIT:**

The Chairman called the special legislative session to order at **4:32** p.m.

Calvin Ball, Chairperson; Jennifer Terrasa, Vice Chairperson; Greg Fox, Council Member; Mary Kay Sigaty, Council Member; and Courtney Watson, Council Member, were present.

Stephen LeGendre, Administrator to the County Council; Theodore Wimberly, Senior Administrative Analyst to the County Council; Margaret Ann Nolan, County Solicitor; James Vannoy, Assistant County Attorney; and Jennifer Sager, Legislative Coordinator were also present.

**APPROVE MINUTES**

The Chairperson moved to approve the minutes for the Legislative Public Hearing – July 18, 2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Sigaty, Terrasa and Watson. Fox abstained.

The motion to approve the minutes passed.

**FINAL CONSIDERATION**

The following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

**Appointments**

The Chairperson moved to table CR114-2011 as follows:

Council Resolution No. 114-2011 - A RESOLUTION appointing William L. Santos to the Planning Board.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution 114-2011 was tabled.

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Council Resolution No. 124-2011 - A RESOLUTION confirming the appointment of Donna Richardson as the Cable Administrator.

The Chairperson moved to adopt Council Resolution No. 124-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 124-2011 passed.

### **Financial**

SAO1-FY2012 - AN ACT transferring \$85,300 from the Grants Fund, Contingency Reserve to the Department of County Administration for a grant to provide funding for a BRAC Regional Family Support Coordinator.

The Chairperson moved to adopt SAO1-FY2012. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

SAO1-FY2012 passed.

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Council Bill No. 40-2011 - AN ACT approving and providing for a multi-year Installment Purchase Agreement by Howard County, Maryland to acquire development rights in two parcels of agricultural land consisting of approximately 186.18 acres combined, more or less, located at 1625 Rt. 32, Sykesville, Howard County, Maryland, from The Wilbur and Lillie Mae Zepp Living Trust or any other owner thereof for a maximum purchase price of \$5,921,000.

The Chairperson moved to adopt Council Bill No. 40-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 40-2011 passed.

### **General**

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Council Bill No. 41-2011 - AN ACT amending the County's discount for prompt real property tax payment; generally relating to the Real Property Taxes in Howard County; and declaring this Act to be an emergency measure.

The Chairperson moved to adopt Council Bill No. 41-2011. The motion was seconded by Ms. Terrasa.

The Chairperson moved to approve Amendment 1 as follows:

Amendment 1 to Council Bill No. 41 - 2011 - *This amendment makes a technical correction.*

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment 1 passed.

The roll call vote called by the Chairperson to approve CB 41-2011, as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 41-2011 passed, as amended.

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Council Bill No. 42-2011 - AN ACT approving provisions in a collective bargaining agreement between Howard County and the International Association of Firefighters – Howard County Local 2000 that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; approving a multi-year collective bargaining agreement between International Association of Firefighters–Howard County Local 2000 that will be effective through the end of Fiscal Year 2013 and that includes payment of certain compensation in Fiscal Year 2013.

The Chairperson moved to adopt Council Bill No. 42-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 42-2011 passed.

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Council Bill No. 43-2011 - AN ACT approving provisions in a collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 3080 that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; approving a multi-year collective bargaining agreement between Howard County and Local 3080 that will be effective through the end of Fiscal Year 2013 and that includes payment of certain compensation in Fiscal Year 2013.

The Chairperson moved to adopt Council Bill No. 43-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 43-2011 passed.

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Council Bill No. 44-2011 - AN ACT approving provisions in a collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 3085, Council 67, AFL-CIO that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual.

The Chairperson moved to adopt Council Bill No. 44-2011. The motion was seconded by Ms. Terrasa.

The Chairperson moved to approve Amendment 1 as follows:

Amendment 1 to Council Bill No. 44 - 2011 - *This amendment corrects the Bill’s effective date.*

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment 1 passed.

The roll call vote called by the Chairperson on the motion to approve Council Bill No. 44-2011, as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 44-2011 passed, as amended.

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Council Bill No. 45-2011 - AN ACT amending the Pay Plan for Howard County to amend the pay scales for members of the Howard County Public Safety Dispatchers Association; and generally relating to the Pay Plan for Howard County.

The Chairperson moved to adopt Council Bill No. 45-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 45-2011 passed.

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Council Bill No. 46-2011 - AN ACT making a technical correction to amend a definition in the Adequate Public Facilities Ordinance; and generally related to the Adequate Public Facilities Ordinance.

The Chairperson moved to adopt Council Bill No. 46-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball,

Fox, Sigaty, Terrasa and Watson.

Council Bill No. 46-2011 passed.

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Council Bill No. 47-2011 - AN ACT pursuant to the Stormwater Management Act of 2007, amending certain stormwater management regulations in the Howard County Code.

The Chairperson moved to adopt Council Bill No. 47-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 47-2011 passed.

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Council Resolution No. 112-2011 - A RESOLUTION closing a portion of Sterling Drive.

The Chairperson moved to adopt Council Resolution No. 112-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 112-2011 passed.

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Council Resolution No. 113-2011 - A RESOLUTION closing a portion of Whiskey Bottom Road.

The Chairperson moved to adopt Council Resolution No. 113-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 113-2011 passed.

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Council Resolution No. 115-2011 - A RESOLUTION revising Chapter 5, Stormwater Management, of Volume I (Storm Drainage) of the Design Manual in order to amend provisions related to the maintenance and inspection of stormwater management facilities in Howard County.

The Chairperson moved to adopt Council Resolution No. 115-2011. The motion was seconded

by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 115-2011 passed.

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Council Resolution No. 116-2011 - A RESOLUTION designating the area surrounding and including the Savage MARC Station as a Transit-oriented Development in accordance with the Governor's Executive Order 01.01.2009.12 and State law.

The Chairperson moved to adopt Council Resolution No. 116-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 116-2011 passed.

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Council Resolution No. 117-2011 - A RESOLUTION adopting Guidelines for the 2030 General Plan, promulgated by the Planning Board, to be used by the Department of Planning and Zoning in the preparation or revision of the General Plan.

The Chairperson moved to adopt Council Resolution No. 117-2011. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment 1 to Council Resolution No. 117 - 2011 - *This amendment makes certain corrections to the Guidelines for the 2030 General Plan.*

The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment 1 to Amendment 1 to Council Resolution No. 117-2011 - *This amendment to amendment one would suggest that the General Plan 2030 identify areas that would benefit from a community scale plan.*

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion to adopt Amendment 1 to Amendment 1 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment 1 to Amendment 1 to Council Resolution No. 117-2011 passed.

The roll call vote called by the Chairperson on Amendment 1, as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment 1, as amended passed.

The Chairperson moved to adopt Amendment 2 to Council Resolution No. 117 - 2011 - *This amendment adds a cost analysis to the General Plan Guidelines.*

The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment 1 to Amendment 2 to Council Resolution No. 117-2011 - *This amendment to amendment two would add the option of conducting an average cost fiscal analysis to the guideline.*

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion to adopt Amendment 1 to Amendment 2 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment 1 to Amendment 2 to Council Resolution No. 117-2011 passed.

The roll call vote called by the Chairperson on Amendment 2, as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.  
Amendment 2, as amended passed.

The Chairperson moved to adopt Council Resolution No. 117-2011, as amended. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson to approve CR 117-2011, as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 117-2011 passed, as amended.

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Council Resolution No. 118-2011 - A RESOLUTION pursuant to Sections 16.301 and 16.200(a) of the Howard County Code, granting a variance for government uses from the structure and use setback for a fence on property located along Md. Route 216 and Stephens Road and located in the Planned Employment Center Zoning District.

The Chairperson moved to adopt Council Resolution No. 118-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 118-2011 passed.

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Council Resolution No. 119-2011 - A RESOLUTION declaring that a total of approximately 64.664 acres of real property owned by Howard County and identified as (1) portions of the road bed of Sterling Drive and Whiskey Bottom Road and (2) certain open space parcels are no longer needed for a public purpose and authorizing the County Executive to waive the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the property to the owner of the adjacent property, Emerson Development LLCs.

The Chairperson moved to adopt Council Resolution No. 119-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 119-2011 passed.

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Council Resolution No. 120-2011 - A RESOLUTION adopting the Howard County Flood Mitigation Plan.

The Chairperson moved to adopt Council Resolution No. 120-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 120-2011 passed.

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Council Resolution No. 121-2011 - A RESOLUTION declaring that portions of a Water and Utility Easement and a Sewer and Utility easement, collectively comprising approximately 0.6669 acres, are no longer needed by Howard County, Maryland for public purposes.

The Chairperson moved to adopt Council Resolution No. 121-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 121-2011 passed.

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Council Resolution No. 122-2011 - A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the Howard County Housing Commission and Howard County, Maryland for a multi-family rental housing redevelopment on the property to be known as Hilltop Phase I.



The Chairperson moved to adopt Council Resolution No. 122-2011. The motion was seconded by Ms. Terrasa.

The Chairperson moved to approve Amendment 1 as follows:

Amendment 1 to Council Resolution No. 122 - 2011 - *This amendment corrects the number of affordable units.*

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment 1 passed.

The roll call vote called by the Chairperson to approve CR 122-2011, as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 122-2011 passed, as amended.

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Council Resolution No. 123-2011 - A RESOLUTION approving the redevelopment of an affordable housing development to be known as Hilltop Phase I in Ellicott City, Maryland to be financed either directly by the Department of Housing and Community Development of the State of Maryland or through the Department's Community Development Administration.

The Chairperson moved to adopt Council Resolution No. 123-2011, as amended. The motion was seconded by Ms. Terrasa.

The Chairperson moved to approve Amendment 1 as follows:

Amendment 1 to Council Resolution No. 123 - 2011 - *This amendment corrects the number of affordable units.*

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment 1 passed.

The roll call vote called by the Chairperson to approve CR 123-2011, as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution No. 123-2011 passed, as amended.

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Ms. Watson moved to remove CB 30-2011 from the table as follows:

Council Bill No. 30-2011 - AN ACT establishing a tax credit against the Howard County real property tax for certain nonprofit swim clubs under certain conditions; establishing the duration of the credit; providing for an application procedure; and generally relating to property tax credits in Howard County.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to removed Council Bill 30-2011 from the table passed.

Ms. Watson moved to adopt Council Bill No. 30-2011, as amended. The motion was seconded by Ms. Terrasa.

Ms. Watson moved to approve Amendment 1 as follows:

Amendment 1 to Council Bill No. 30 - 2011 - *This amendment changes the amount of the tax credit.*

The motion was seconded by Mr. Fox.

The roll call vote called by the Chairperson on the motion was: Nay: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment 1 failed.

Ms. Watson moved to approve Amendment 3 as follows:

Amendment 3 to Council Bill No. 30 - 2011 - *This amendment sunsets the credit after 5 years.*

The motion was seconded by Mr. Fox.

Ms. Watson moved to approve Amendment 1 to Amendment 3 as follows:

Amendment 1 to Amendment 3 – *This amendment to amendment changed the sunset period from 5 years to 3 years.*

The motion was seconded by Mr. Fox.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Fox and Watson. Nay: Council Members Ball, Sigaty, and Terrasa.

Amendment 1 to Amendment 3 failed.

The roll call vote called by the Chairperson to approve Amendment 3 was: Yea: Council Members Fox and Watson. Nay: Council Members Ball, Sigaty, and Terrasa.

Amendment 3 failed.

The first roll call vote called by the Chairperson to approve Council Bill 30, as amended was:  
Pass: Council Members Fox, Sigaty, Terrasa, and Watson. Nay: Council Members Ball.  
The second roll call on the motion was: Yea: Council Members Fox and Watson. Nay:  
Council Members Sigaty and Terrasa.

CB 30-2011 failed.

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#### TABLED LEGISLATION

Council Resolution No. 22-2011 - A RESOLUTION approving a public interest use for a monopole cell tower and accessory ground equipment on land owned by Trent Kittleman; finding that the proposed use is in the public interest; approving an amendment to certain deeds of easement to release the land used for the monopole cell tower and accessory ground equipment for a public purpose; and providing that the release is contingent on a certain payment to the County.

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Council Resolution No. 52-2011 - A RESOLUTION confirming the appointment of John A. Clark to the Howard County Commission for Veterans and Military Families.

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